

**Board Policy No. 8
Conflict of Interest Code**

Summary

This policy establishes the NCTD Conflict of Interest Code pursuant to the Political Reform Act (Government Code Section 81000, et seq.).

Purpose

The Political Reform Act (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regs. section 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing, Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the North County Transit District (the "District").

All Officials set forth in Government Code section 87200 and designated positions shall file their statements of economic interest with the Human Resources Manager as the District's Filing Officer. The Human Resources Manager shall make and retain a copy of all statements filed by Members of the Board and the Executive Director, and forward the originals of such statements to the Clerk of the Board of Supervisors. The Human Resources Manager shall retain the originals of the statements of all other designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code section 81008.)

Officials Who Manage Public Investments

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. 18701(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code Section 87200 et seq. [Regs. 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments (Note: Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by 87200.):

Board Members and Alternates
Executive Director
Chief Financial Officer
Financial Consultants

Date adopted: October 18, 2012
Last revised: October 17, 2013

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>7/8/2014</u>	Minute Order No. <u>11</u>
By: <u>OMB</u>	Date: <u>7/14/14</u>
Deputy Clerk of the Board Supervisors	

Board Policy No. 8 – Conflict of Interest Code (continued)

Disclosure Requirements

- A. Public Officials and employees holding positions designated in this Conflict of Interest Code are required to file the initial, annual, and leaving office statement of economic interest for the types of interests in the categories set forth in the applicable Disclosure Categories. It has been determined that these persons make or participate in making decisions, which foreseeably may have a material effect on such financial interests.
- B. Where the Disclosure Category requires disclosure of interests in real property, the designated employee is only required to disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.
- C. Where the Disclosure Category requires disclosure of investments or sources of income, the designated employee is only required to disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.
- D. Where the Disclosure Category requires disclosure of business positions, the designated employee is only required to disclose positions of director, officer, partner, employee, or any position of management in organizations or enterprises operated for profit.

Designated Positions Governed by the Conflict of Interest Code

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
ADA Administrator	2, 3, 5
Assistant Controller	5
Business Development Project Manager	5
Buyer	1
Chief Administrative Officer	1, 2
Capital Projects Management Accountant	1, 2
Chief Development Officer	1, 2
Chief Financial Officer	1, 2, 3, 4, 5, 6
Chief of Procurement and Contract Administration	1, 2
Chief of Safety	5
Chief of Staff/Intergovernmental Affairs Officer	1, 2
Chief of Transit Enforcement	5
Chief Operations Officer	1, 2

Board Policy No. 8 – Conflict of Interest Code (continued)

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Chief Technology Officer	5
Civil Engineer	2, 3, 5
Civil Rights Officer	1, 2
Code Enforcement Supervisor	5
Community Affairs Supervisor, Sr.	1
Compliance Officer/Internal Audit	1
Contracts Administrator	4
Controller	1, 2
Customer Service Lead	5
Data Analyst	5
Deputy Chief Operations Officer – Operations	1, 2
Deputy Chief Operations Officer – Planning	1, 2
Deputy Chief Operations Officer – Rail Operations	1, 2
Deputy Chief Operations Officer – Rail Systems	1, 2
Deputy Chief, Procurement and Contract Administration	1, 2
Deputy General Manager	1, 2
Director of Project Management Office/CAP Projects	1, 2, 5
Director of Real Estate and Facilities	1, 2, 3, 5, 6
Executive Director	1, 2, 3, 4, 5, 6
Facilities Coordinator	5
Fare Revenue Administrator	4
General Counsel	1, 2
Grants Manager	1
Human Resources Generalist	5
Lead Bus Operations Officer	5
Management Analyst	5
Manager, Administration	5
Manager, Customer Service	5
Manager, Facilities	5
Manager, Finance	4
Manager, Human Resources	5
Manager, Marketing and Communications	5

Board Policy No. 8 – Conflict of Interest Code (continued)

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Manager, Safety	5
Manager, Service Implementation	5
Marketing Representative	5
Mechanical Maintenance Officer	5
Network Engineer – All	5
Paralegal	5
Project Manager – Mobility Management Program	5
Project Manager (All)	3, 5
Project Safety Review Officer	5
Quality Control Supervisor (All)	5
Rail Operations Officer	5
Rail Systems Engineer	5
Right of Way Coordinator	6
Right of Way Officer	5
Risk and Insurance Management Specialist	4
Senior Contracts Administrator	1, 2
Senior Graphic Communications Designer	5
Senior Programmer	5
Signal Engineer	5
Systems Engineer (All)	5
System Safety and Compliance Inspector	5
Web Developer	5

Consultants and New Positions

Individuals providing services as a Consultant defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Director may determine that due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of

Board Policy No. 8 – Conflict of Interest Code (continued)

the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

Disclosure Categories

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which he or she is assigned. (Note: This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg.18730.1))

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

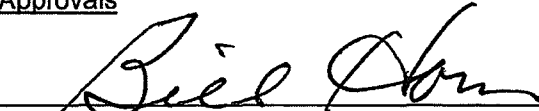
Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

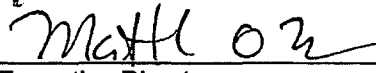
Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit or division.

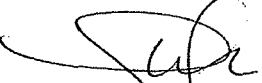
Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the Designated Position's department, unit or division.

Board Policy No. 8 – Conflict of Interest Code (continued)

Approvals

 10/17/13
Board Chair Date

 10/18/13
Executive Director Date

 10-17-2013
General Counsel Date

RESOLUTION NO. 13-07

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY
TRANSIT DISTRICT (NCTD) REVISING CERTAIN BOARD POLICIES REGARDING
DAILY OPERATIONS OF NCTD AND THE BOARD OF DIRECTORS**

WHEREAS, in October 2012, the Board of Directors ("Board") adopted Board Policies 1 through 29, to guide the daily operations of the North County Transit District ("NCTD") and of the Board; and

WHEREAS, Policy 1 states that at least annually, the Board will review such Board Policies as previously adopted; and

WHEREAS, the Board has identified the need to revise certain previously adopted Board Policies, as listed in more detail in Exhibit A to this Resolution and as set forth in full in Exhibit B to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the North County Transit District hereby approves the revised Board Policies which are listed by number and title in Exhibit A to this Resolution and which are set forth in full in Exhibit B to this Resolution.

BE IT FURTHER RESOLVED that insofar as the provisions of any Ordinance, Resolution, document or previous action of the Board and/or the Executive Director, prior to the date of this Resolution, are inconsistent with the provisions of this Resolution or any policy adopted by this Resolution, this Resolution and the Board Policies adopted herein shall control.


PASSED, APPROVED AND ADOPTED by the NORTH COUNTY TRANSIT DISTRICT
this 17th day of October 2013.



CHAIRMAN

North County Transit District

ATTEST:



CLERK OF THE BOARD

North County Transit District

Exhibit A

List of Revised Policies

No.	Title
1	General Provisions
2	Appointment to the Board of Directors
4	Rules of Procedure for the Conduct of Meetings
6	Ethics Training
7	Board Member Compensation and Travel Expense Reimbursement
8	Conflict of Interest
9	Investment
10	Reserve Funds
11	Real Estate
15	Records Retention Policy and Schedule
16	Public Records Requests
17	Budget Development
19	Delegation of Authority to the Executive Director
22	Service Requests
24	Employee Drug and Alcohol Policy
25	Disadvantaged Business Enterprises
26	Discrimination Complaint Procedures
27	Equal Employment Opportunity
28	Fraud Prevention
29	Capital Asset Property Management

Exhibit B

Legal Blacklines of Revised Policies

**MCDUGAL LOVE ECKIS
BOEHMER & FOLEY IIIII**

March 11, 2014

COUNTY OF SAN DIEGO

Clerk of the Board of Supervisors
County Administration Center
1600 Pacific Highway, Room 402
San Diego, CA 92101

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CLERK OF THE BOARD
OF SUPERVISORS

Re: Conflict of Interest Code for the North County Transit District

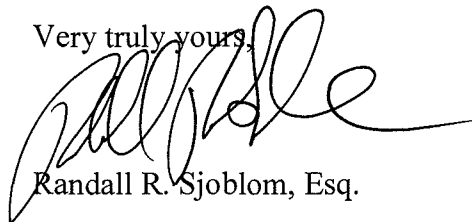
To Whom It May Concern:

I am special counsel for the North County Transit District. On behalf of this agency, please find enclosed the updated Conflict of Interest Code for the North County Transit District ("NCTD"), which is incorporated into NCTD Board Policy No. 8. NCTD is a transit district established by the State Legislature with jurisdiction within this County, including the cities of Del Mar, Solana Beach, Encinitas, Carlsbad, Oceanside, Vista, San Marcos, Escondido and the northern portions of unincorporated San Diego County. Accordingly, pursuant to Government Code Sections 82011(b) and 87303, the County of San Diego Board of Supervisors is the code reviewing body for NCTD, and the Conflict of Interest Code must approved by the Board of Supervisors in order to become effective.

NCTD's Conflict of Interest Code was updated and approved by the Board of NCTD on October 17, 2013 pursuant to Resolution 13-07. Copies of the approving resolution and Board Policy No. 8 are enclosed. Please advise when this matter may be scheduled for review by the Board of Supervisors.

If you need additional information, please do not hesitate to contact me at (619) 440-4444 or rsjoblom@mcdougallove.com, or you may contact Lori Winfree, NCTD General Counsel at (760) 966-6532 or lwinfree@nctd.org.

Very truly yours,



Randall R. Sjoblom, Esq.

Enclosures

cc: Lori Winfree, NCTD General Counsel

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